



December 6, 2017

ATTORNEY GENERAL MADIGAN OPPOSES BIRTH CONTROL ROLLBACK***Madigan, 15 Attorneys General File Comments with Health and Human Services***

Chicago — Attorney General Lisa Madigan and a coalition of 15 attorneys general filed comments with the U.S. Department of Health and Human Services opposing the administration's interim final rules that would roll back birth control coverage.

The federal government's interim final rules announced in October seek to roll back the contraceptive coverage mandate under the Affordable Care Act (ACA). Since the ACA's requirement to cover contraceptives took effect in 2012, it has saved American women \$1.4 billion. Over 62.4 million women have benefitted from the coverage, including hundreds of thousands in Illinois.

In their comments, the attorneys general argue that the federal rules violate the Establishment Clause of the Constitution by allowing employers to use their own religious beliefs to discriminate against employees; the Equal Protection Clause by specifically targeting and harming women; and the federal Administrative Procedure Act by pushing through these new rules without a proper factual and legal basis. Additionally, the attorneys general argue that the rules would harm their states by leaving millions of women without access to contraceptives, and by forcing the states to shoulder the financial and administrative burden as women seek contraceptive access through state programs.

The attorneys general wrote:

"Since the ACA's requirement that health plans cover contraception benefits and services, women with employer-sponsored coverage have had increased access to contraception, and have saved \$1.4 billion in out-of-pocket costs on birth control pills in 2013 alone. The share of women of reproductive age who had out-of-pocket spending on oral contraceptive pills fell sharply after the ACA's implementation; spending on oral contraceptive pills plummeted from 20.9 percent in 2012 to 3.6 percent in 2014, corresponding to the timing of the contraception provision. Also during this time, the proportion of privately insured women who paid no out-of-pocket costs for oral contraception increased from 15 percent to 67 percent, with similar changes for injectable contraceptives, the vaginal ring and the intrauterine device. To date, over 62.4 million women have benefitted from ACA-mandated contraceptive coverage.

"The [Interim Final Rules] at issue will result in harms that are both direct and indirect, tangible and intangible. Access to contraception is fundamental to women's rights to bodily freedom and to emotional autonomy. It is a public health issue, with effects on unintended pregnancy, maternal health, and infant morbidity. It also implicates economic mobility and wage parity, educational opportunity and social equality. These far-reaching effects are too great to ignore, and are protected by the Constitution, our laws and regulations. Accordingly, we urge the Secretary to rescind the IFRs."

Joining Madigan in filing the comments are the attorneys general of California, Delaware, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and the District of Columbia.

A copy of the comments is available [here](#).

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